MONTANA LEGISLATIVE HISTORY

Chapter 332 1983

Bill H _____ S 319 Original bill & history ✓ C

H. Committee on State Administration			S. Committee on Local Government		
Hearing Date(s)	March	✓ C	Hearing Date(s)	Feb 15	✓ C
	March 11	✓ C		Feb 17	✓ C
		C			C
		C			C
Date Out	March 11	✓ C		Feb 17	✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

SENATE BILL NO. 319

INTRODUCED BY STEPHENS

IN THE SENATE

January 28, 1983	Introduced and referred to Committee on State Administration.
January 31, 1983	Fiscal Note requested.
February 2, 1983	Fiscal Note returned.
February 9, 1983	Rereferred to Committee on Local Government.
February 18, 1983	Committee recommend bill do pass as amended. Report adopted.
February 19, 1983	Bill printed and placed on members' desks.
February 21, 1983	Second reading, do pass.
February 22, 1983	Correctly engrossed.
February 23, 1983	Third reading, passed. Ayes, 46; Noes, 3. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on State Administration.
March 11, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 18, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in.

IN THE SENATE

March 21, 1983	Returned to Senate with amendments.
March 22, 1983	Second reading, amendments concurred in.
March 23, 1983	Third reading, amendments concurred in. Ayes, 50; Noes, 0.
	Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 319

INTRODUCED BY STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE COST-OF-LIVING INCREASE FOR CHIEF PROBATION OFFICERS AND PROVIDING AN ANNUAL LONGEVITY ALLOWANCE FOR ALL PROBATION OFFICERS; AMENDING SECTIONS 41-5-704 AND 41-5-705, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-5-704, MCA, is amended to read:

"41-5-704. Salary and expenses. (1) A chief probation officer shall receive for his services a salary specified by the court depending on the formal training and experience of each respective officer, but such salary may be no lower than $17,000 a year and no higher than $22,000 a year. ~~The~~ In addition to such salary, the court shall, ~~on or before July 1, 1982, and~~ on or before July 1 of each year ~~thereafter~~, adjust and fix the salary of the chief probation officer for a cost-of-living increase by adding to his annual salary on July 1, ~~1981~~ of that year an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The cost-of-living increment for the fiscal year beginning July 1, ~~1982, and for~~ of each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years. The salary of such officer shall be apportioned among and paid by each of the counties in which such officer is appointed to act, in proportion to the assessed valuation of such counties for the same year, except where such officer is appointed for one county whereby such county shall pay the entire salary.

(2) In addition to the compensation provided in subsection (1), each chief probation officer is entitled to receive an annual 1% longevity allowance beginning at the completion of the officer's first year of employment. Each longevity allowance must be based on the officer's current salary and begins on the officer's annual employment anniversary date. The allowance must be paid in equal monthly installments.

~~(2)~~(3) For all authorized travel incident to his official duties in connection with the investigation, supervision, and transportation of youth, the chief probation officer shall, in addition to his office salary, be reimbursed as provided in 2-18-501 through 2-18-503."

Section 2. Section 41-5-705, MCA, is amended to read:

"41-5-705. Deputy probation officers -- salary. (1)

The judge having jurisdiction of juvenile matters may also appoint such additional persons, giving preference to persons having the qualifications suggested for appointment as the chief probation officer, to serve as deputy probation officers as the judge deems necessary, their salaries to be fixed by the judge. Such salaries shall not exceed 90% or be less than 60% of the salary of the chief probation officer.

(2) In addition to such salary, each deputy probation officer is entitled to receive an annual 1% longevity allowance beginning at the completion of the officer's first year of employment. Each longevity allowance must be based on the officer's current salary and begins on the officer's annual employment anniversary date. The allowance must be paid in equal monthly installments."

NEW SECTION. Section 3. Effective date. This act is effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 289-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 319 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

"Senate Bill 319 clarifies the cost-of-living increase for chief probation officers and provides an annual longevity allowance for all probation officers; amends Sections 41-5-704 and 41-5-705, MCA; and provides an effective date."

ASSUMPTIONS:

1) Clarifying the cost-of-living increase will have no fiscal effect.
2) 15 chief probation officers' average length of service is 14 years at July 1, 1983.
3) 48 deputy probation officers' average length of service is 8 years at July 1, 1983.
4) All chief probation officers' salaries are at maximum plus cost-of-living added July 1, 1982.
5) Deputy probation officers statewide average 80% of chief probation officers salary.
6) CPI for 1983 and 1984 will be 6%.
7) The deputy probation officers are granted a cost-of-living increase commensurate with the chief probation officer.
8) Employee benefits at 16%.

Amounts needed to fund longevity increase:

	FY 84	FY 85	FY 86	FY 87
Chief Probation Officer	$ 51,630	$ 55,830	$ 60,435	$ 65,280
Deputy Probation Officer	75,552	86,160	97,344	109,104
Fringe Benefits	20,349	22,718	25,245	27,901
Total Cost	$147,531	$164,708	$183,024	$202,285

Continued

David M Lewis

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2-2-83

LOCAL IMPACT:

This bill would require additional expenditures by counties of approximately $147,531 in FY 84 and $164,708 in FY 85 unless House Bill 120 passes which provides for funding of juvenile probation officers by the state.

TECHNICAL NOTE:

As written, the deputy probation officers salary is based on the chief probation officer's salary including longevity. This is probably not intended and would have significant impact if applied.

FISCAL NOTE 10:H/2

SB319

2ND READING: 03/28/83, BE CONCURRED IN AYES: 89; NAYS: 0
3RD READING: 03/28/83, BE CONCURRED IN AYES: 94; NAYS: 0

RETURNED TO SENATE: 3/28/83

TRANSMITTED TO GOVERNOR: 04/07/83
SIGNED: 04/08/83, CHAPTER 414

319 -- STEPHENS -- CLARIFYING THE COST-OF-LIVING INCREASE FOR CHIEF PROBATION OFFICERS AND PROVIDING AN ANNUAL LONGEVITY ALLOWANCE FOR ALL PROBATION OFFICERS; ... AND PROVIDING AN EFFECTIVE DATE.

INTRODUCED: 01/28/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/28/83
HEARING: 2/7/83
REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 02/09/83
HEARING: 2/15/83
REPORT: 02/18/83, DO PASS, AS AMENDED
2ND READING: 02/21/83 AYES: 46; NAYS: 4
3RD READING: 02/23/83 AYES: 46; NAYS: 3

TRANSMITTED TO HOUSE: 02/23/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/28/83
HEARING: 3/4/83
REPORT: 03/11/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/18/83, BE CONCURRED IN AYES: 46; NAYS: 42
3RD READING: 03/19/83, BE CONCURRED IN AYES: 49; NAYS: 38

RETURNED TO SENATE WITH AMENDMENTS: 3/21/83
2ND READING: 03/22/83 AYES: 49; NAYS: 0
3RD READING: 03/23/83 AYES: 50; NAYS: 0

TRANSMITTED TO GOVERNOR: 03/28/83
SIGNED: 4/2/83, CHAPTER 332

320 -- GAGE -- INCREASING THE MAXIMUM AMOUNT OF A SERVICE OR DISABILITY PENSION THAT MAY BE PAID TO A VOLUNTEER FIREFIGHTER BY A FIRE DEPARTMENT RELIEF ASSOCIATION; ... AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

INTRODUCED: 01/29/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/29/83
HEARING: 2/8/83
REPORT: 02/10/83, DO PASS
2ND READING: 02/12/83 AYES: 48; NAYS: 0
3RD READING: 02/15/83 AYES: 47; NAYS: 2

TRANSMITTED TO HOUSE: 2/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 03/01/83
HEARING: 3/11/83
REPORT: 03/23/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/26/83, BE CONCURRED IN AYES: 58; NAYS: 13
3RD READING: 03/28/83, BE CONCURRED IN AYES: 87; NAYS: 11

RETURNED TO SENATE WITH AMENDMENTS: 03/28/83
2ND READING: 03/31/83 AYES: 48; NAYS: 1
3RD READING: 04/01/83 AYES: 45; NAYS: 1

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 15, 1983

The meeting of the Local Government Committee was called to order by Chairman George McCallum on February 15, 1983 at 12:30 p.m. in Room 405, State Capitol.

ROLL CALL: A quorum was present with the remainder of the members appearing shortly after 12:30 p.m.

CONSIDERATION OF SENATE BILL NO. 319: Sen. Stephens, District #4, appeared before the committee as sponsor of SB 319 and said that the bill had to do with juvenile probation officers in the state of Montana and clarifies the powers for adjusting probation officer's salaries for cost of living adjustments. This legislation was enacted last session. It also provides a longevity adjustment to the officer's salaries. On page 1, line 21 he stated that it was not the intent of the Legislature to have the date read July 1, 1981. He explained the amendment on page 2, line 11 through 18. This is similar to the deputy sheriffs and other public servants. The computation is on page 3, line 9 through 15. The amendments to SB 319 are pretty much a clarification. This makes it clear the cost of living would be in addition to the $22,000 salary. Sen. Stephens stated that since 1935 juvenile probation officers have only had 17 increases so they haven't been before the Legislature that much asking for money. (Proposed amendments attached to minutes).

PROPONENTS: Jeremiah Johnson, President of the Juvenile Probation Officers' Association, Fourth Judicial District, Missoula, said that the addition to the bill is the longevity clause which is similar to deputy sheriffs. He stated that the chief probation officers have spent an average of 15 years in the profession and deputies an average of 6 years. He said he was available for any questions that the committee might have.

Bryce Johnson, Chief Probation Officer, Twelfth Judicial District, Havre, said that under the present law, since the cost of living has gone down, he would actually take a decrease in salary. The clients they work with are not 8-5 people. They have to be around 24 hours a day. Also, during the last 20 years they have been involved in a great deal of continued training and all types of seminars. It is not too long before a chief reaches the top of the scale. He asked the committee to take this into consideration when they consider the bill.

Charles Dooley, Chief Probation Officer, Ninth Judicial District, said he agreed with everything that had been said but had a couple other points to make. He has been a chief for 17 years and before there were job descriptions, the district judge would appoint someone "of good moral character" - now it is someone with a master's degree. Another change has been in the type of clients they serve. They also counsel, not just the youth, but the entire family. They provide pre-marriage counselling, marriage counselling and have a youth guidance home. The clients now have multiple felony offenses. He felt that now, of all times, they need some incentive to keep top people in this field.

Rep. Paul Pistoria, District #39, very strongly supported this bill. He said that he works very closely with the probation officers in Great Falls. The longevity clause is in effect for firemen, policemen and deputy sheriffs and these people should be entitled to the same thing.

There were no further proponents and no opponents.

DISCUSSION OF SENATE BILL NO. 139: Sen. Marbut asked if this would be a one time thing. Mr. Johnson stated that the chief's average years of service is 15 and whatever the salary is at the present time, the years of service would be computated to that figure. Sen. Story felt we might be giving more than the 15% increase. Mr. Johnson said that the cost of living, so far this past year, was 3.9%. They used an estimate for years past when there was higher inflation.

Sen. Story said that this bill was rereferred from State Administration because they were unaware what had been done with other local officials. Sen. Thomas asked how this compared with adult probation officers. Mr. Johnson said that they are state employees under job descriptions and are treated differently. Sen. Thomas wondered if they would have to pass some mechanism for funding this.

Chairman McCallum told Mr. Johnson that they were here last year and the committee went through all this and settled on $22,000, not expecting them to come back again. This $22,000 was for the chief probation officers and they have received an increase since that time. They are probably receiving as much as the sheriff and maybe more in some counties. Mr. Johnson said they are receiving approximately $2,000 less than the sheriff in first class counties and they would like to be on some type of step system. He said that most of the deputy sheriffs are getting more than they are.

Chairman McCallum said that in Sanders County the sheriff is getting $17,000 and the undersheriffs are getting 90% of that. They were raised from $18,000 to $22,000 (maximum) and put them under the same schedule as are the rest of the county officials. Because inflation is down they did not get much of a raise.

Sen. Marbut asked if there is an earmarked levy for this and Dave Bohyer said he believed it comes from the district court fund.

There were no further questions from the committee. In closing, Sen. Stephens said they were appearing before the committee asking for additional money. These people have a continuing program because their work is constantly changing and he felt this was a worthy bill for a worthy cause.

The hearing was closed on SB 319.

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 2/15/83

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER	✓		
CRIPPEN	✓		
HAMMOND	✓		
STORY	✓		
MARBUT	✓		
CONOVER	✓		
FULLER	✓		
THOMAS	✓		
VAN VALKENBURG	✓		
BOYLAN	✓		
McCALLUM	✓		

DATE _____

COMMITTEE ON _____ BILL NO. _____

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
Irving E Dayton	MT University System		SB 380
Dave Fuchs	Billings Fire Chief	SB380	
ART KORN	MT ST VOL FIRE ASSOC	SB 380	
Clem Durnie	President MT St V/L Firemens Assn	SB 380	
Bill Opitz	Mont PSC Neutral - Amend SB-322		
Arthur R Shaver	State Board of Public Education		SB 380
Linda Jean Degan			SB 380
Bruce Ingraham	Mela Rural Dev. Co.		SB 380
Roger Johnson	Chief Probation Hdqrs	SB 319	
Charles F. Douglas	Chief Probation 9th Judicial Dist	SB 319	
Jerome F. Peterson	President Mont Chiefs Assn.	SB 319	
John P. Allen	Montana Conservation Council	SB 322	X
Paul G. Pastorin	State Representative Dist 39		SB. 322
R. Glen Hufstetler	Chief Probation 11th Jud. Dist.	X SB 319	
Harry Crawford	MONTANA STATE FIREFIGHTERS ASSOC	SB 380	
Mike Yuhas	City of Missoula	SB 322	
Delbert Allen	Fire Service Training		

(Please leave prepared statement with Secretary)

BILL SUMMARIES

SENATE LOCAL GOVERNMENT COMMITTEE

SB 319 (Stephens) — Senate Bill 319 clarifies the powers for adjusting probation officer's salaries for cost of living adjustments. It also provides a longevity adjustment to probation officer's salaries.

SB 322 (Halligan) — Senate Bill 322 would eliminate rate restrictions on municipal utilities, changes the reporting requirements, and makes the statutes concerning municipal utilities permanent.

SB 380 (R. Manning) — Senate Bill 380 institutes a 3-year residency requirement for instructors at the fire services training school. There currently is no such requirement.

SB 397 (Marbut) — Senate Bill 397 changes the time at which a lien attaches upon property in an RID or SID. Currently, the lien attaches at the time the resolution creating the RID or SID is adopted. This bill would set the time of attachment at the time of delinquency on the RID or SID.

This bill was introduced to help the town of Colstrip. Sen. Marbut said he thought the coal impact fund was set up for this type of thing. Sen. Van Valkenberg said the impact money is available if the area is at the minimum mill levy. Mr. McCaffrey said their levy is around 12 and if they lost the valuation of those power plants on the roads the 15 mills would not be enough.

Sen. Ochsner MOVED AMENDMENT #1. MOTION CARRIED, Story and Hammond voting "no". Sen. Ochsner MOVED SB 124 DO PASS AS AMENDED. MOTION CARRIED, 7-4.

Dave Bohyer, Legislative Council, felt there are some real problems with the amendment and will work on it. Sen. Van Valkenberg said that this should be sent to the floor of the Senate and the amendment changed there. He did not feel the researcher should draft amendments without the committee adopting them.

DISPOSITION OF SENATE BILL NO. 458: Sen. Crippen was very definitely against this bill as there is a first lien on all the property concerned. Sen. Crippen MOVED SB 458 DO NOT PASS. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 319: Jeremiah Johnson has some figures about the one-time increase. There were two different amendments proposed for the committee to look at and these were explained to the committee.

The $103,000 statewide would be broken down over a period of 3 years. He did not have it broken down by county or district. Under the full impact the average chief would go to $27,000 and the average deputy to $20,000 and the longevity would be in addition to that. Mr. Johnson said that some of these people are starting to leave the state because the pay is better elsewhere and felt that the longevity would be an incentive to keep some of them in their positions. Chairman McCallum explained the circumstances surrounding the increase in their salaries and the cost of living allowance last session.

Glen Hufstelter, Probation Officer, Kalispell said that they want to be consistent with other county employees.

A motion was made to change the 3 year provision to 4 years.

Sen. Ochsner did not like the retroactive part of the bill and Chairman McCallum asked why the longevity could not start as of the present. Mr. Johnson said that the committee has the discretion to do that. Chairman McCallum felt that considering other county employees, they are being paid very adequately.

Sen. Marbut called for the motion; no action was taken. Sen. Hammond said they had discussed this two years ago and felt that some of these

counties may not be able to pay. One of the members felt if the counties have this authorization now, let them do it. Sen. Van Valkenburg said the only way they would have this ability would be by virtue of collective bargaining and that would not apply to an officer whose salary is set by the Legislature and most probation officers work multi-county districts. Probation officer's salaries are prorated between the counties based upon the valuation and the number of counties in the districts vary.

Mr. Johnson said that they have asked to be put under the state plan but were turned down. They are trying to get something done so they don't have to be coming back all the time asking for money.

Sen. Crippen was also concerned about the retroactive longevity even though he did realize the reason for longevity - you try to keep certain types of people on the job. Why not a certain number of years they could go back? Mr. Johnson suggested 5 years, page 2, line 14.

Sen. Story made a substitute motion to accept the language on page 1 concerning the July 1 date. This was the original purpose for bringing this bill in; the cost-of-living allowance. Longevity was added on. He said that a probation officer, after six years of service would be able to receive a 1% per year longevity. Sen. Crippen asked what about the person that has been employed for 15 years? Sen. Story replied it would be 1%.

Sen. Van Valkenburg proposed, in addition to Sen. Story's substitute motion, to amend page 2, line 12,

Following:	"probation officer"
Insert:	"with more than 5 years of service"
Following:	"allowance"
Insert:	"."
Strike:	"beginning at the completion of the officer's first year of employment."

The same amendment should be incorporated on page 3, (2), line 9. SUBSTITUTE MOTION CARRIED UNANIMOUSLY. Sen. Marbut MOVED SB 319 DO PASS AS AMENDED. MOTION CARRIED. Dave Bohyer will look over the amendments.

DISPOSITION OF SENATE BILL NO. 412: MOTION MADE, DO PASS. MOTION CARRIED, with Sens. Ochsner and McCallum voting "no".

DISPOSITION OF SENATE BILL NO. 322: Sen. Van Valkenburg MOVED THE PROPOSED AMENDMENTS. MOTION CARRIED UNANIMOUSLY. Sen. Fuller MOVED SB 322 DO PASS, AS AMENDED. MOTION CARRIED, Sens. Hammond and Conover voting "no".

DISPOSITION OF SENATE BILL NO. 89: Sen. Crippen said that there is a House Bill, which is in this committee, that accomplishes the same thing as Sen. Eck's bill and perhaps in a better way. Sen. Crippen MOVED SB 89 BE TABLED. MOTION CARRIED, UNANIMOUSLY.

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 2/17

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER	✓		
CRIPPEN	✓		
HAMMOND	✓		
STORY	✓		
MARBUT	✓		
CONOVER	✓		
FULLER	✓		
THOMAS	✓		
VAN VALKENBURG	✓		
BOYLAN	✓		
McCALLUM	✓		

Feb. 15, 1983

AMENDMENTS TO SENATE BILL 319

1. Page 1, line 16.
   Following: "$22,000 a year"
   Insert: ", exclusive of cost-of-living and longevity allowances under this section."

2. Page 2, lines 2 and 3
   Strike: "the fiscal year beginning July 1"

3. Page 2, line 3
   Strike: "of"

4. Page 2, line 12
   Strike: "is entitled to"
   Insert: "shall"

5. Page 2, line 14
   Following: "employment"
   Insert: "and adjusted annually"

6. Page 3, line 10
   Strike: "is entitled to"
   Insert: "shall"

7. Page 3, line 12
   Following: "employment"
   Insert: "and adjusted annually"

8. Page 3
   Following: line 15
   Insert: "(3) The salary of a deputy probation officer must be computed on the chief probation officer's base salary plus cost-of-living allowances.
   (4) A deputy probation officer appointed to chief probation officer will retain all cost-of-living and longevity allowances and his salary may not be decreased by such appointment, notwithstanding the limits imposed in section 1.
   (5) The salary paid a deputy probation officer may not be decreased by appointment of a new chief probation officer."

ADMENDMENTS TO SENATE BILL 319

Page 2, Line 18.

Following: "Installments."

Insert: "For the year beginning July 1, 1983, only 33-1/3% of the initial longevity allowance authorized shall be paid; for the year beginning July 1, 1984, only 66-2/3% of the initial longevity allowance authorized shall be paid; and for the year beginning July 1, 1985, and all years thereafter at 100% of the longevity allowance authorized shall be paid."

Page 3, Line 15.

Following: "installments."

Insert: "For the year beginning July 1, 1983, only 33-1/3% of the initial longevity allowance authorized shall be paid; for the year beginning July 1, 1984, only 66-2/3% of the initial longevity allowance authorized shall be paid; and for the year beginning July 1, 1985, and all years thereafter at 100% of the longevity allowance authorized shall be paid."

STANDING COMMITTEE REPORT

February 17 19 83

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 319

Respectfully report as follows: That SENATE Bill No. 319,
introduced bill, be amended as follows:

1. Page 2, line 12.
   Following: "officer"
   Insert: "with more than 5 years of service"

2. Page 2, lines 13 and 14.
   Strike: "beginning at the completion of the officer's first year of employment"

3. Page 3, line 10.
   Following: "officer"
   Insert: "with more than 5 years of service"

4. Page 3, lines 11 and 12.
   Strike: "beginning at the completion of the officer's first year of employment"

AND AS SO AMENDED,

DO PASS

STATE PUB. CO.
Helena, Mont.

GEORGE McCALLUM, Chairman.

is some way we can include the Legislative Council and the Legislative Auditor for some sort of review process under this system. Senator Himsl responded, if they are reviewed by an audit of any kind, they can be put on this list. That is your priviledge.

CHAIRMAN JOE BRAND asked why the Coal Tax Trust Fund was deleted. What was the reason this was in there at first and then taken out? Senator Himsl replied this was taken out in the Senate. The reason for it was the State Administration Committee of the Senate removed it because of a presentation that was made by the artists group. They didn't feel that they had had enough time to have a track record to really check on.

REPRESENTATIVE BILL HAND asked Senator Himsl if he was asking this committee to prioritize the list. Senator Himsl said, "No, I am asking you to accept it, add to it, or do whatever you want to with it, pass it I hope. If you feel strongly that there are some things in there which shouldn't be there, then take them out. If you feel there are things missing that should be included in this bill, then put them in. We are asking for your help on this."

CHAIRMAN JOE BRAND asked how this bill worked in conjunction with Senate bill 137 that had been presented the previous day. Senator Himsl explained that Senate Bill 137 restricts from the obligation that now exists. We have about 46 programs of the 81 that were reviewed in the previous cycles. We are asking in Senate Bill 137 that they be taken out and not be subject to review again, at least not immediately. This is a different type of legislation and it is somewhat pioneering. But I think it is a good piece of legislation and if there are any on the list that you think should be reviewed again we could put them into this bill.

REPRESENTATIVE KATHLEEN McBRIDE asked some questions about SB137 since she was absent for the hearing the day before.

REPRESENTATIVE FRANCIS KOEHNKE asked where the committee could get a copy of this list of the 46 boards and programs that have already been reviewed. Senator Himsl said he would get a list for each of the committee members.

THERE BEING NO ADDITIONAL QUESTIONS FROM THE MEMBERS OF THE COMMITTEE, CHAIRMAN BRAND CLOSED ON SENATE BILL 311.

SENATE BILL 319

SENATOR STAN STEPHENS gave an opening statement. This is a bill dealing with compensation for Juvenile Probation Officers. During the last legislative session we granted these people a cost of living raise. We gave them the same that is offered

to county employees, they are very grateful for that but we did make a little mistake on the bill last time. The probation officers would be entitled to a 1 percent longevity increase if this bill is passed. On page 2, lines 11 through 18 it is explained that these people would get this increase after they have had 5 years of service. The 1 percent would start on the sixth year of service. The officer that would have 10-15 years of service would not be able to go back and get retroactive pay for that period of service over and above the 5 years. If that were possible it would cost the counties a great deal of money. The fiscal note that was prepared in January, 1983 addressed that possibility. This fiscal note is eroneous. With the amendment that was put on in the Senate, the cost would start after the fifth year and this is not retroactive. This bill actually refers to 15 chief probation officers and 19 deputy probation officers across the state. The chief probation officers would receive a longevity increase of $236. That is a total of $3,540. The deputies would receive $188 and that amounts to $3,573. The total cost of this bill is $7,112 which would be born by the judicial districts of the state.

There have been some concerns raised in the Senate and since this bill has come over to the House regarding the language on lines 11 through 18 on page 2. There is some ligitimate concerns that this language may not state clearly that there is no "retroactivity" in this bill.

PROPONENTS

GLEN HUFSTETLER, Probation Officer from Kalispell, stated he recently kept an average of his hours worked per week and came up with an average of 59.5 hours. This is actual in service time going to homes, seeing families, etc. He has three deputies and two of those have been in service for over 5 years. The impact on his county is less than $600 per year if this bill passes. This will amount to under $10 a month increase in his salary. He stated that they are not complaining about their salaries, they like their work, they are not in it for the money but one of the things that they would like to do with this longevity bill is give some kind of encouragement to the deputies who have worked hard to up-grade themselves with hopes of keeping them in the business.

BRICE JOHNSON, Probation Officer from Havre, spoke in support of this bill. He gave some handout material on the bill. See EXHIBIT A attached. He mentioned that there have only been 16 raises given to the probation officers since 1935. He also said that during the 20 years that he has been a chief he has continually attended colleges, seminars, etc. It is very important to keep up with the training because of the changing ways needed to work with the youth of today.

REPRESENTATIVE PAUL PISTORIA, spoke as a proponent for this bill. He mentioned that the economy is not the best right now, but we have police, firemen, and sheriff's deputies all over the state who receive longevity increases and he feels that the probation officers deserve it as well.

THERE WERE NO ADDITIONAL PROPONENTS ON SENATE BILL 319.

OPPONENTS

DARRYL MEYER, representing Cascade County stated that he was not sure if he was a total opponent to this bill because he felt the language on page 2, lines 11 through 18 should be clarified. He feels like this is very important. He mentioned that counties are really strapped right now and aren't really sure where they are going to come up with the money to meet all these increases.

ARTHUR RAMBO, Chairman of the Board of County Commissioners, Hill County, spoke in opposition to this bill. But not nearly as strongly as he did in the Senate. He had not seen the amended bill at that time. He had a fiscal note that Senator Stephens has explained to be eroneous. He mentioned that he felt the probation officers are one of the highest paid employees in their county and they receive fringe benefits. If they have to pay longevity, how are they going to explain it to the other county employees who do not receive this kind of benefit. The counties are being trimmed on their county funds from every direction. There are some bills that will effect this net proceeds. The oil situation right now will effect our evaluation.

THERE BEING NO ADDITONAL OPPONENTS, SENATOR STEPHENS CLOSED.

Senator Stephens closed by saying that he would be available for questions.

COMMITTEE QUESTIONS

REPRESENTATIVE KATHLEEN McBRIDE asked Senator Stephens about the deputy probation officers salary being based on the chief probation officers salary. Is it the intention of this bill that the deputy probation officers would have their salary based on the chief probation officers, plus the longevity? Senator Stephens replied, "Yes."

Representative McBride stated that in fact, they would probably get an increase as a result of changing the chief probation officers salary. Is that right? Senator Stephens replied, yes they could, but this would be up to the District Judge.

Representative McBride asked Senator Stephens to explain again,

what the total impact would be since the fiscal note was eroneous. Senator Stephens explained the impact of the bill on the state. He said that if you add the longevity and the cost of living increase together your total cost comes to $13,872 for the chiefs and $21,195 for the deputies.

REPRESENTATIVE JOHN PHILLIPS asked one of the probation officers what their average case load was. Mr. Brice Johnson replied for the three counties that he covers his case load has been averaging around 400 per year for himself and one deputy.

REPRESENTATIVE BILL HAND asked how this money was going to be coming back to the local governments. Do the County Commisions pay that per judicial district? Mr. Rambo replied that is correct.

REPRESENTATIVE JOE HAMMOND mentioned that he couldn't help but sympathize with the feelings of dealing with the kids, but where does this end. In terms of maybe the county social workers, etc. Senator Stephens replied he thought we must make a decision on this. But we must look at the seriousness of what these people are doing. They are working with young people at a time when they can be salvaged. They are doing a great job.

CHAIRMAN JOE BRAND asked Mr. Brice Johnson about the training they received. Does this come out of your pocket or what percentage does? Mr. Johnson stated he has paid for alot of the courses but most of it is paid for by the County. There is also training that is paid for by the federal government at the Law Enforcement Academy.

THERE BEING NO ADDITIONAL QUESTIONS FROM THE MEMBERS OF THE COMMITTEE, CHAIRMAN BRAND CLOSED ON THIS BILL.

SENATE BILL 309

SENATOR CARROLL GRAHAM, opened on Senate Bill 309. He explained that this bill was drafted to take care of some things that the Supreme Court said were unconstitutional. The bill as it is drawn was severely amended in the State Administration Committee of the Senate. This was done further than he would like to have seen. Senator Towe did a good job of surgery on it but it is still worth salvaging. The bill was drafted to require persons who employ lobbyist to disclose certain lobbying expenses. It also requires the disclosure of public officials business interests. He opposed the disclosure of his business interests as unnecessary and an invasion of privacy. This portion was amended back in the State Administration Committee of the Senate.

The State Administration Committee of the Senate deleted the section which pertains to public disclosure since it was in Senate Bill 339. Senate Bill 339 has passed third reading in the Senate and this committee will be getting it pretty soon.

VISITOR'S REGISTER

HOUSE Administration COMMITTEE

BILL SB 319 DATE 3-4-83

SPONSOR Stephens

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Jeremiah Johnson	Missoula	Mont. Probation Officers	✓	
[illegible] Melikian	Columbus	Probation	—	
Ken Hutchcroft	Kalispell	Probation	✓	
[illegible]	Havre	Probation	+	
Arthur Rainbo	Hilford, MT	Hill Co Comm		✓
[illegible]	[illegible]	Probation	—	
[illegible]	Anaconda	Probation	✓	
Darryl Meyer	Great Falls	Cascade County		—

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

EXHIBIT A
SB 319
3/4/83

February 14, 1982

The position of Chief Probation Officer was authorized by the 1935 legislature, Section 12288 of the Revised Codes of Montana, 1935. Since that time maximum salary authorized by the legislature has been as follows:

Year	Per month	Per year
1935	$ 150.00	$ 1,800.00
1943	200.00	2,400.00
1951 (Jan)	250.00	3,000.00
1951 (July)	266.66	3,200.00
1953	300.00	3,600.00
1955	375.00	4,500.00
1957	400.00	4,800.00
1961	450.00	5,400.00
1963	500.00	6,000.00
1965	575.00	6,900.00
1967	750.00	9,000.00
1972	850.00	10,200.00
1973	1,041.67	12,500.00
1975	1,333.33	16,000.00
1979	1,666.66	20,000.00
1981 (Oct.)	1,833.33	22,000.00
1982 (July cost of living)	70% CPI = 7.28%	

The above represents 48 years since authorization with 16 raises including the cost of living increase in 1982.

seconded by Representative Chester Solberg. The question being called, Representative Mueller said that he made the motion because he felt that the people should have the right to say what they want.

CHAIRMAN JOE BRAND asked Lois Menzies if she thought that there should be an amendment to this bill, a Coordination Clause. If HB 629 passes, should the date November 8, 1983 be changed to November 6, 1984. Lois replied that this could be done.

Representative Mueller said that he would have no objection to this.

REPRESENTATIVE GLENN MUELLER MOVED Senate Bill 346 AS AMENDED BE CONCURRED IN and this was seconded by Representative Joe Hammond. The question being called, the motion carried with Representatives McCormick, McBride, Holliday, Driscoll and Hammond voting "NO".

SENATE BILL 319

REPRESENTATIVE HELEN O'CONNELL MOVED Senate Bill 319 AS AMENDED BE CONCURRED IN and this was seconded by Representative Paul Pistoria.

Representative Mueller said that he would like to speak on the motion. He said that he opposed this motion because of the County commissioners. This is not real big now but it will increase very fast. I feel that this would be building a bigger expense to the local governments.

REPRESENTATIVE CLYDE SMITH said that he felt that we are talking about people that are doing a real good job and that they aren't receiving high enough pay.

REPRESENTATIVE CHESTER SOLBERG stated that he had mixed feelings about this matter. He did not quite agree with the total cost figures that the committee received. Our local probation officers found out about this and I was sent a telegram on it. But I feel that there must be more dollars involved then what we have heard.

REPRESENTATIVE CLYED SMITH responded to this by saying that the bill is fairly clear and he then explained how the figures were presented to the committee at the hearing process.

CHAIRMAN JOE BRAND asked Mr. Huffsteatler if they use medical people when they work with the youngsters. Mr. Huffsteatler replied that they do use the medical people available through the county offices when possible. The parents are required to pay for this service.

REPRESENTATIVE GLENN MUELLER said, he has a responsibility to his county fathers and they oppose this bill.

REPRESENTATIVE CLYDE SMITH said, that in the military they pay the people with longevity to keep their good people in longer. That is what this bill is trying to do for the state probation officers.

Representative Clyde Smith further said, if someone who we knew real well was in need of the services of these people we would want to them to get the best possible services available. He said that the county fathers would want this same kind of execellent service for their children if the need were to arise so lets give these people the insentive to want to stay with the agencies and help the children that need it.

REPRESENTATIVE PAUL PISTORIA said that with the amendments which have been place on the bill and the fact that it will not be retroactive, he felt that his three counties would be in favor of the bill.

The question being called, SENATE BILL 319 AS AMENDED BE CONCURRED IN, passed unanimously.

Senate Bill 319 was reported out of committee this date with an AS AMENDED BE CONCURRED IN. Representative Mac McCormick will carry the bill on the House floor.

REPRESENTATIVE JOE HAMMOND MOVED that the meeting adjourn and this was seconded by Representative Chester Solberg.

The meeting adjourned at 11:52 p.m.

Respectfully submitted,

Joe Brand /ca
REPRESENTATIVE JOE BRAND, CHAIRMAN

Cleo Anderson, Secretary to Committee

STANDING COMMITTEE REPORT

MARCH 11 19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 319

third ~~FORMY~~ reading copy (blue ~~WHITE~~) color

"AN ACT CLARIFYING THE COST-OF-LIVING INCREASE FOR CHIEF PROBATION OFFICERS AND PROVIDING AN ANNUAL LONGEVITY ALLOWANCE FOR ALL PROBATION OFFICERS; AMENDING SECTIONS 41-5-704 AND 41-5-705, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 319

1. Page 3, line 8.
Following: "officer"
Insert: "excluding longevity payments provided in 41-5-704"

2. Page 3.
Following: line 16
Insert: "(3) If a deputy probation officer is promoted to chief probation officer, his salary may not be decreased by the appointment. He shall retain all longevity allowances earned during his service as a deputy.

NEW SECTION. Section 3. No retroactive application. This act does not apply retroactively, and no person is entitled to receive under this act a longevity allowance of more than 1% in any year."
Renumber: subsequent section

~~DO PASS~~ AND AS AMENDED BE CONCURRED IN

REP. JOE BRAND, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY